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AUG 26 2004

OFFICE OF PETITIONS

~~In re Application of :
Guitton et al. :
Application No. 10/816,085 :
Filed: April 1, 2004 :
For: INTEGRATED BI-BAND :
INDUCTANCE AND APPLICATIONS :~~

ON PETITION

In re Application of :
:
Application No. 10/816,214 :
Filed: April 1, 2004 :
For: HETEROATOMIC SINGLE-CRYSTAL :
LAYERS :

This is a decision on the Petition Regarding Omitted Items, filed July 22, 2004, which is being treated as a petition to correct the file in application serial number 10/816,085.

The petition is **granted**.

The application was filed on April 1, 2004. On July 2, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Nonprovisional Application, noting that a filing date had NOT been accorded the application because the application had been deposited without drawings.

In response to the Notice, Applicants files the instant petition and requests that the drawings filed in Application No. 10/816,214 on April 1, 2004, be transferred to the file of Application No. 10/816,085, and that the drawings filed in Application No. 10/816,085 on April 1, 2004, be transferred to the file of Application No. 10/816,214, and that the applications be accorded filing dates of April 1, 2004, with the drawings as part of the original disclosures.

Applicants' attorney, James H. Morris, explained that through a clerical error, drawing Figures 6-8 in application no. 10/816,085 were not omitted, but inadvertently filed in application 10/816,214, along with the other drawing Figures for application no. 10/816,085. Both applications were filed simultaneously.

The Office notes that the specification for Application No. 10/816,085 references Figures 1-8, while drawing Figures 1, 2, 3A, 3B, 4A, 4B, 4C, 4D, 5A, 5B and 5C were filed therewith. Conversely, the specification for Application No. 10/816,214 references Figures 1, 2, 3A, 3B, 4A, 4B, 4C, 4D, 5A, 5B and 5C, while drawing Figures 1-8 were filed therewith.

It is obvious that neither application was individually complete on the date of deposit, i.e., on April 1, 2004, since the drawings described in the specifications were not received with the respective specifications. Additionally, it is noted that the application transmittal sheets further confuse the matter in that application no. 10/816,214 references the filing of three (3) sheets of drawings and 8 drawing Figures, and the application transmittal sheet for Application No. 10/816,085 references the filing of two (2) sheets of drawings with Figures 1-5C. However, in light of the contents of the brief descriptions of the drawings contained in the specifications of the respective applications, the evidence is persuasive that the drawings were misfiled.

Further, since the drawings were in fact present in the USPTO on April 1, 2004, the applications may be accorded filing dates of April 1, 2004, on petition under 37 CFR 1.182.

The three (3) sheets of drawings filed on April 1, 2004, in Application No. 10/816,214 will be removed and transferred to Application No. 10/816,085.

The two (2) sheets of drawings filed on April 1, 2004, in Application No. 10/816,085 will be removed and transferred to Application No. 10/816,214.

Application No. 10/816,085 will be reprocessed with the three (3) sheets of transferred drawings, containing Figures 1-8, filed on April 1, 2004.

Application No. 10/816,214 will be reprocessed with the two (2) sheets of transferred drawings, containing Figures 1, 2, 3A, 3B, 4A, 4B, 4C, 4D, 5A, 5B and 5C, filed on April 1, 2004.

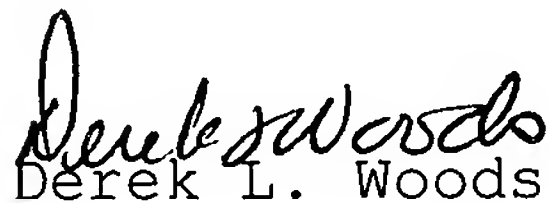
The petition is granted to the extent indicated above.

As this petition was necessitated by Applicant's filing error, the petition fee will not be refunded.

A message regarding Application No. 10/816,085 is being forwarded to the Office of Initial Patent Examination to reprocess the application with a filing date of April 1, 2004, using the three (3) sheets of drawings containing Figures 1-8, filed in application no. 10/816,214 on April 1, 2004.

A message regarding Application No. 10/816,214 is being forwarded to the Office of Initial Patent Examination to reprocess the application with a filing date of April 1, 2004, using the two (2) sheets of drawings containing Figures 1, 2, 3A, 3B, 4A, 4B, 4C, 4D, 5A, 5B and 5C, filed in application no. 10/816,085 on April 1, 2004.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.



Derek L. Woods
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Office of Petitions